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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/589,139 | 08/10/2006 | Riccardo Bordignon | BONNP39 | 5846 |
| 7590 10/30/2007 IP Strategies Suite I 121/2 Wall Street Asheville, NC 28801 | | | EXAMINER HORN, ROBERT WAYNE | |
| | | | ART UNIT 2837 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/589,139

Applicant(s)

BORDIGNON, RICCARDO

Examiner

Robert W. Horn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,8,9,11-13,20,22 and 24 is/are rejected.
- 7) ☒ Claim(s) 4-7,10,14-19,21 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "housing able to receive the body of said instrument" described in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. The limitation describes a structure that encloses the body of the instrument. It is seen rather that the support means define contact areas, not a housing, to receive the body of said instrument.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 recites the limitation "the comb-shaped longitudinal bars" in the claim body. There is insufficient antecedent basis for this limitation in the claim. The shape of "longitudinal bars" of claim 12 has not been previously introduced, although the claim refers back to "the comb-shaped longitudinal bars." It is indefinite because the claim does not make it clear whether "the longitudinal bars" of claim 12 are the antecedent reference to "the comb-shaped longitudinal bars" of claim 14.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ladao (U.S. Patent 6,281,417).

Regarding claim 1, Ladao teaches a bearing element for stringed musical instruments comprising:

a mainly vertically arranged frame 12 suitable for being placed on a bearing surface and

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provided with support means defining a housing able to receive the body of said instrument, wherein each of said support means comprises a couple of mutually opposed jaws (corresponding to items 38 and 42) slidingly coupled to said support means (via item 22) and joined together through regulation means 44 able to modify in a continuous way the distance between said jaws, each of said jaws comprising a shaped body which defines a concave surface bounding on one side said housing (as shown in figure 1, details in figure 2). An outline of a stringed musical instrument is shown in the concave portion of the jaws.

Regarding claim 2, Ladao discloses the bearing element according to claim 1, wherein each of said support means further comprises an arm 40 protruding from said frame to which it is coupled (as shown in figure 1).

Regarding claim 3, Ladao discloses the bearing element according to claim 2, wherein said arm 40 is a longitudinal element joined to said frame by first joint means 44.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladao, and Smith (U.S. Patent 6,693,234).

Regarding claim 8, Ladao teaches the bearing element according to claim 3. Ladao does not teach the arm clasp is snap coupled. Snap coupling is well known in the art of musical instruments stands, as a means of quick connect/disconnect. Smith teaches the limitations wherein a joining means is snap-coupled (column 7, line 31).

Considering the objective evidence, it would have been obvious to someone of ordinary skill in the art of the bearing element for a stringed musical instrument to combine the invention of Ladao with the teaching of Smith to use snap coupling, motivated to make coupling/de-coupling quick and easy.

Regarding claim 9, Ladao and Smith teach the bearing element according to claim 8, and Ladao teaches in figure 2 the limitations wherein said arm is provided at one end with a pin 82 inserted in a through hole 88 obtained in said clasp (block portion).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ladao and Smith as applied to claim 9 above, and further in view of Yu (U.S. Patent 5,957,417).

Regarding claim 11, Ladao and Smith teach the bearing element according to claim 9. The combination does not teach the limitation wherein each of said jaws is arranged against said body of said instrument by rotating around the rotation axis determined by said pin to stably ensure said musical instrument to said frame. Yu teaches in figures 4, 5 and 7 the limitations of jaws 63 arranged against said body of said instrument (shown in figure 7) by rotating around the rotation axis determined by said pin (motion shown in figure 5) to stably ensure said musical instrument to said

frame. Yu teaches the motivation of the jaws (adjustment joint) to fasten tightly (column 1, lines 15-27).

Considering the objective evidence, it would have been obvious to someone of ordinary skill in the art of the bearing element for a stringed instrument to modify the combination taught by Ladao and Smith, by arranging the jaws to adjust arranged against said body of said instrument by rotating around the rotation axis determined by a pin to stably ensure said musical instrument to said frame, taught by Yu, motivated to fasten tightly, taught by Yu.

Claims 12, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladao and Smith as applied to claim 8 above, and further in view of Yu.

Regarding claim 12, Ladao and Smith teach the bearing element according to claim 8. The principal reference teaches a multi-guitar frame consisting of more than two arms. Yu teaches a variation on the jaw locking musical instrument bearing support wherein the frame consists of two longitudinal bars 6 mutually connected by joint means (items 2 and 3).

Considering the objective evidence, it would have been obvious to someone of ordinary skill in the art of bearing element for a stringed musical instrument construct like the system of arms with jaws according to Ladao and Smith, but consist of two longitudinal bars, taught by Yu, motivated to support a single instrument, taught by Yu.

Regarding claim 20, Ladao, Smith, and Yu teach the bearing element according to claim 12, and Yu teaches the limitations wherein each of said longitudinal bars 3

leans on a substantially horizontally arranged base 5 suitable for being put in contact with said bearing surface, to which is connected by a second joint means 4.

Regarding claim 22, Ladao, Smith, and Yu teach the bearing element according to claim 20, and Yu teaches the limitations wherein each of said longitudinal bars 3 is arranged according to a longitudinal axis which defines an acute angle with a vertical reference axis (illustrated in figures 1 and 6), for the inclined support of said instrument on said frame shown in figure 7).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ladao, Smith, and Yu as applied to claim 12 above, and further in view of Hsieh (U.S. Patent 7,074,993).

Regarding claim 13, Ladao, Smith, and Yu teach the bearing element according to claim 12. The combination does not teach the limitation wherein each of said longitudinal bars is provided with a plurality of through holes which are arranged on at least a length portion of each of said longitudinal bars, each of them being able to receive the snap-inserted clasp.

Hsieh teaches the limitations wherein each of the longitudinal bars 2 is provided with a plurality of through holes 211 which are arranged on at least a length portion 21 of each of said longitudinal bars 2, each of them being able to receive the snap-inserted clasp 12. It is seen that Hsieh teaches a spring-ball combination clasp, but it would be obvious to use a snap pin inserted clasp with the longitudinal bars according to the teaching. Hsieh teaches a motivation for the plurality of through holes to adjust for when the thickness of the instrument has changed (column 1, lines 38-46).

Considering the objective evidence, it would have been obvious to someone of ordinary skill in the art of the bearing element for stringed musical instruments to modify the combination of bearing element by providing each of the longitudinal bars with a plurality of through holes arranged on at least a length portion of each of said longitudinal bars, each of them being able to receive the snap-inserted clasp, taught by Hsieh, motivated to adjust for when the thickness of the instrument has changed, taught by Hsieh.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ladao, Smith, and Yu as applied to claim 20 above, and further in view of Hsieh.

Regarding claim 23, Ladao, Smith, and Yu teach the bearing element according to claim 20, and Yu teaches profiled feet on base portions for granting a correct and stable support of said frame on said bearing surface.

The combination of references does not teach the limitation wherein said base is provided with profiled feet arranged at the opposite ends of said base. In figure 5, Hsieh teaches base pieces with caps matching the profile of the base pieces.

The normal skill in the art teaches the problem of providing the bearing elements with stable support by reaching outward in a pattern so instruments do not turn over when placed on the element. All such arrangements fall in a related problem solving area.

Therefore, it would be obvious to substitute the base and feet portions taught by Yu, with those provided by Hsieh, since the two arrangements are seen as art

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recognized substitutes for the same thing, the base and feet portions motivated to provide surface contact for the bearing element in an art recognized way.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ladao as applied to claim 1 above, and further in view of Schoenig (U.S. Patent 5,029,796).

Regarding claim 24, Ladao teaches the bearing element according to claim 1. Schoenig teaches wherein said frame and said support means are made of plastic material (column 1, lines 58-61). Schoenig teaches the advantage of plastic, an attractive and durable finish, without sharp protrusions (as indicated in the citation).

Considering the objective evidence, it would have been obvious to someone of ordinary skill in the art of bearing elements for stringed musical instrument to provide a bearing element, as taught by Ladao, produced of plastic, taught by Schoenig, motivated for the advantages, an attractive and durable finish, without sharp protrusions.

Allowable Subject Matter

Claims 4-7, 10, 14-19 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and further re-write the claims to overcome the rejections under 35 USC § 112.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner points to the references cited in the form 892. The

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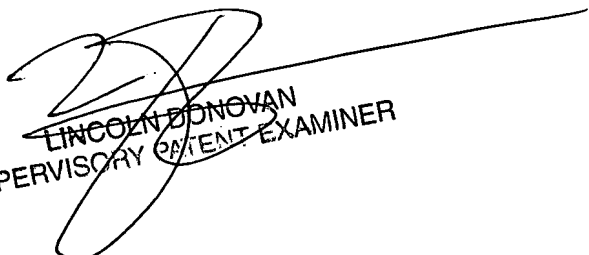
examiner advises the applicant to review these references, because the examiner may apply the references in future actions, if necessitated by amendment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Horn whose telephone number is 571-272-8591. The examiner can normally be reached on Monday-Friday 7:00-3:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln D. Donovan can be reached on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rwh
October 17, 2007


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SUPERVISORY PATENT EXAMINER